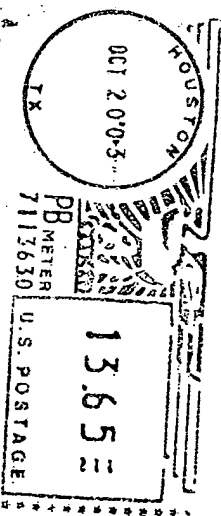


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Attorney(s): Jennifer S. Sickler  
Client/Matter#: 127976-1000  
Title: Vehicle Based Data Collection and Processing System  
Inventor(s): Chester L. Smitherman, et al.  
Assignee: M7 Visual Intelligence, LP  
Today's Date: 10/20/03 Due Date: 10/20/03

Check Amount:  
Serial/Patent No.: 10/664,737  
Issue Date:  
Date Filed with USPTO: 9/18/03

**APPLICATION FOR PATENT [Check all items that apply]:**

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|---|--|--|
| <input type="checkbox"/> Spec 41 pages                                    | <input type="checkbox"/> Claims 6 pages  | <input type="checkbox"/> Issue Fee Transmittal                 |
| <input type="checkbox"/> Drawings 14 Sheets                               |  | <input type="checkbox"/> Letter                                |
| <input checked="" type="checkbox"/> Declaration                           | <input checked="" type="checkbox"/> Oath <input checked="" type="checkbox"/> Power<br>Tuy Vu Mai | <input type="checkbox"/> Notice of Appeal                      |
| <input type="checkbox"/> Verified Statement                               |  | <input type="checkbox"/> Brief                                 |
| <input type="checkbox"/> Assignments (3) copies                           |  | <input type="checkbox"/> Maintenance Fee Transmittal Form      |
| <input type="checkbox"/> Continuation <input type="checkbox"/> Divisional |  | <input type="checkbox"/> Other:                                |
| <input type="checkbox"/> CIP Application                                  |  | <input type="checkbox"/> Response                              |
| <input type="checkbox"/> Preliminary Amendment                            |  | <input type="checkbox"/> Status Request                        |
| <input type="checkbox"/> Information Disclosure Statement                 |  | <input type="checkbox"/> Change of Fee Address Indication Form |
| <input type="checkbox"/> Utility Transmittal                              |  | <input checked="" type="checkbox"/> Express Mail EV322135586US |
| <input type="checkbox"/> Fee Calculation Transmittal                      |  | <input checked="" type="checkbox"/> Certificate of Mailing     |
| <input type="checkbox"/> Amendment After Final                            |  | <input type="checkbox"/> First Class Mail                      |

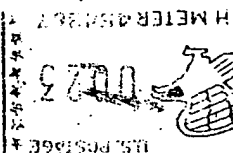
Attorney(s): Jennifer S. Sickler  
Client/Matter#: 127976-1000  
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| <input type="checkbox"/> Amendment After Final                            |  | <input type="checkbox"/> First Class Mail                      |

JENNIFER S. SICKLER  
GARDERE WYNN SEWELL, LLP  
INTELLECTUAL PROPERTY SECTION  
1000 LOUISIANA STREET, SUITE 3400  
HOUSTON, TEXAS 77002



**THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Serial No.: 10/664,737  
 Filed: September 18, 2003  
 Inventor: Chester L. Smitherman  
 Leo J. Peters III  
 Tuy Vu Mai  
 Title: Vehicle Based Data Collection and Processing System  
 Assignee: M7 Visual Intelligence, LP  
 Group Art Unit: 3661  
 Customer No.: 40184  
 Examiner: Unknown

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**CERTIFICATE OF EXPRESS MAILING**

Dear Sir:

I hereby certify that the following documents, which are attached, are being deposited under 37 CFR 1.10, with the United States Postal Service "Express Mail Post Office to Addressee" service as Express Mail No. EV 480190868 US in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

- (1) Response to Notice of Incomplete Reply (Nonprovisional);
- (2) Petition Under 37 CFR § 1.47(a) – Refusal to Sign, with
  - a. Exhibit 1, *copy* of Assignments from inventors; Visual Intelligence Systems, Inc.; and VISI Technology;
  - b. Exhibit 2, *copy* of Appointment of Attorneys Under 37 CFR 3.71 and 3.73;
  - c. Exhibit 3, *copy* of Declarations;
  - d. Exhibit 4, *copy* of September 26, 2003 letter to Leo J. Peters III; and
  - e. Declaration of R. Bradford Perry;
- (3) Petition for Extension of Time;
- (4) *Copy* of Notice of Incomplete Reply (Nonprovisional);
- (5) Check for \$250.00 (\$55.00 for extension of time, \$65 Late Declaration, and \$130 Petition) and
- (6) Return Postcard.

4/28/04  
Date

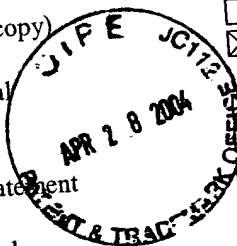
Respectfully submitted,

Deborah K. Fouts  
Deborah K. Fouts, CLA  
Paralegal to Jennifer S. Sickler

Attorney(s): Jennifer S. Sickler  
Client/Matter#: 127976-1000  
Title: Vehicle Based Data Collection and Processing System  
Inventor(s): Chester L. Smitherman, et al.  
Assignee: M7 Visual Intelligence, LP  
Today's Date: 4/28/04 Due Date: 4/29/04 (3/29/04)  
Check Amount: \$250  
Serial/Patent No.: 10/664,737  
Issue Date:  
Date Filed with USPTO: 9/18/03

APPLICATION FOR PATENT [Check all items that apply]:

- |   |                                       |   |
|---|---------------------------------------|---|
| <input type="checkbox"/> Spec pages                                       | <input type="checkbox"/> Claims pages | <input type="checkbox"/> Issue Fee Transmittal  |
| <input type="checkbox"/> Drawings   | <input type="checkbox"/> Sheets       | <input checked="" type="checkbox"/> Copy of Letter to Leo Peters dated 9/26/03                              |
| <input checked="" type="checkbox"/> Declarations (inventors)              |                                       | <input type="checkbox"/> Notice of Appeal   |
| <input checked="" type="checkbox"/> Declaration (B. Perry)                |                                       | <input type="checkbox"/> Maintenance Fee Transmittal Form   |
| <input checked="" type="checkbox"/> Appointment of Attorney (copy)        |                                       | <input checked="" type="checkbox"/> Other: Copy of Notice of Incomplete Reply; late declaration fee \$65.00 |
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| <input type="checkbox"/> Continuation <input type="checkbox"/> Divisional |                                       | <input checked="" type="checkbox"/> Petition Under 37 CFR 1.47(a), w/\$130                                  |
| <input type="checkbox"/> CIP Application                                  |                                       | <input checked="" type="checkbox"/> Petition for Extension of Time, w/\$55                                  |
| <input type="checkbox"/> Preliminary Amendment                            |                                       | <input checked="" type="checkbox"/> Express Mail EV480190868US  |
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| <input type="checkbox"/> Utility Transmittal                              |                                       | <input type="checkbox"/> First Class Mail   |
| <input type="checkbox"/> Fee Calculation Transmittal                      |                                       |   |
| <input type="checkbox"/> Amendment After Final                            |                                       |   |



**THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Serial No.: 10/664,737  
Filed: September 18, 2003  
Inventors: Chester L. Smitherman  
Leo J. Peters III  
Tuy Vu Mai  
Title: Vehicle Based Data Collection and Processing System  
Assignee: M7 Visual Intelligence, LP  
Group Art Unit: 3661  
Customer No.: 40184  
Examiner: Unknown

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**RESPONSE TO NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL),  
PETITION UNDER 37 CFR § 1.47(a) – REFUSAL TO SIGN, AND  
PETITION FOR EXTENSION OF TIME**

Dear Sir:

**I. RESPONSE TO NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)**

Assignee submits this Response to the Notice of Incomplete Reply (Nonprovisional), mailed January 29, 2004.

As required by the Notice of Incomplete Reply (Nonprovisional), Assignee submits herewith:

1. A Petition Under 37 CFR § 1.47(a) – Refusal to Sign, for inventor Leo J. Peters III, with the required \$130.00 fee;
2. A Petition for Extension of Time, with the required \$55.00 fee;
3. A copy of the Notice of Incomplete Reply (Nonprovisional); and

4. A late Declaration surcharge fee of \$65.00 for the Declaration of Tuy Vu Mai, filed October 20, 2003.

## **II. PETITION UNDER 37 CFR § 1.47(a) – REFUSAL TO SIGN**

Assignee hereby petitions, pursuant to 37 CFR § 1.47(a), for the waiver of the requirement of 37 CFR § 1.63 that each inventor execute an oath or declaration. Assignee obtained ownership of said invention through Assignments from (1) inventors Chester L. Smitherman, Tuy Vu Mai, and Leo J. Peters III to Visual Intelligence Systems, Inc.; (2) Visual Intelligence Systems, Inc. to VISI Technology, Ltd.; and from (3) VISI Technology, Ltd. to M7 Visual Intelligence, LP. These Assignment have been recorded with the U.S. Patent and Trademark Office assignment records. **See Exhibit 1**, a true and correct copy of the Assignments. Assignee has appointed the undersigned to act on its behalf. **See Exhibit 2**, a true and correct copy of the Appointment of Attorneys Under 37 CFR §§ 3.71 and 3.73.

Inventor Leo J. Peters III has refused to execute the required § 1.63 declaration. Inventors Chester L. Smitherman and Tuy Vu Mai have both executed declarations. **See Exhibit 3**, a true and correct copy of the Declarations as filed on September 18, 2003 and October 20, 2003, respectively. Assignee has attempted to contact Mr. Peters at his last known address, 129 Phanturn, Bellaire, Texas 77401, on a number of occasions. Documentation of one of the attempts, as indicated by U.S. Express Mail receipt dated September 26, 2003, shows that Mr. Peters received a copy of the Declaration and Power of Attorney. **See Exhibit 4**, a true and correct copy of the cover letter dated September 26, 2003, detailing the contents of the mailing.

Inventor Leo J. Peters, III executed an Assignment on September 26, 2002, for this invention and related patent applications, which states that applicant will make rightful declarations and do everything possible to aid Assignee to obtain and enforce proper protection for the invention. This Assignment was recorded with the U.S. Patent and Trademark Office assignment records at Reel 013324 and Frame 0975. **See Exhibit 1**.

Assignee submits that Mr. Peters should be deemed to have received adequate opportunity to execute the Declaration. His failure to return the executed Declaration and his oral communications with

the undersigned, demonstrate his intention to refuse to participate in Application Serial No. 10/664,737.

**See Exhibit 5, Declaration of R. Bradford Perry.**

In light of the described situation, Assignee respectfully requests that the requirement for Mr. Peters to execute the § 1.63 oath or declaration be waived for Application Serial No. 10/664,737. The petition fee in the amount of \$130.00 as required by 37 CFR § 1.17(h) is enclosed herewith.

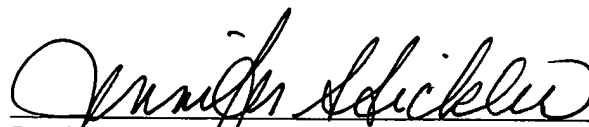
### **III. PETITION FOR EXTENSION OF TIME**

Assignee hereby petitions for a one-month extension of time to file a response, from March 29, 2004 to April 29, 2004, pursuant to 37 CFR § 1.136(a). Assignee submits a check in the amount of \$55.00 pursuant to CFR § 1.17(a)(1).

### **IV. CONCLUSION**

Assignee respectfully submits that all required parts for the application have been filed and that no additional fees are required. It is believed that no other fees are necessary. However, if this is incorrect, the Commissioner is hereby authorized to charge any underpayment, or credit any overpayment, to Deposit Account No. 07-0153 of Gardere Wynne Sewell LLP.

Dated: 4/28/04

  
Jennifer S. Sickler  
Attorney for Assignee  
Registration No.: 36,005  
Gardere Wynne Sewell LLP  
1000 Louisiana Street, Suite 3100  
Houston, Texas 77002-5007  
Phone: (713) 276-5382  
Fax: (713) 276-6382  
jsickler@gardere.com

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Request Number: 1103493

Check Date: 04-01-04

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Attorney(s): Jennifer S. Sickler

Client/Matter#: 127976-1000

Title: Vehicle Based Data Collection and Processing System

Inventor(s): Chester L. Smitherman, et al.

Assignee: M7 Visual Intelligence, LP

Today's Date: 4/29/04 Due Date: 4/29/04 (3/29/04)

Check Amount: \$250

Serial/Patent No.: 10/664,737

Issue Date:

Date Filed with USPTO: 9/18/03

APPLICATION FOR PATENT [Check all items that apply]:

☐ Spec pages ☐ Claims pages

☐ Drawings ☐ Sheets

☒ Declarations (inventors)

☒ Declaration (B. Perry)

☒ Appointment of Attorney (copy)

☒ Assignments (4) (copy)

☐ Continuation ☐ Divisional

☐ CIP Application

☐ Preliminary Amendment

☐ Information Disclosure Statement

☐ Utility Transmittal

☐ Fee Calculation Transmittal

☐ Amendment After Final

☐ Issue Fee Transmittal

☒ Copy of Letter to Leo Peters dated 9/26/03

☐ Notice of Appeal

☐ Maintenance Fee Transmittal Form

☒ Other: Copy of Notice of Incomplete Reply; late declaration fee \$65.00

☒ Response to Notice of Incomplete Reply

☒ Petition Under 37 CFR 1.47(a), w/\$130

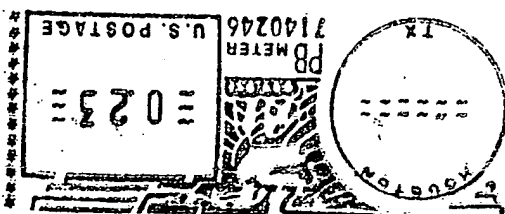
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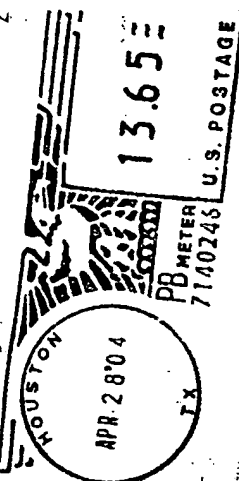
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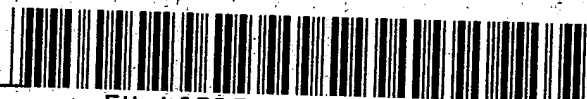
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